

---

**State Government & Tribal  
Affairs Committee**

---

**SSB 5435**

**Brief Description:** Creating the public records exemptions accountability committee.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Kauffman, Pflug, Swecker and Keiser; by request of Attorney General).

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Creates the Public Records Exemptions Accountability Committee.</li></ul>
--



**Hearing Date:** 3/16/07

**Staff:** Alison Hellberg (786-7152).

**Background:**

The Public Records Act requires that all state and local government agencies make all public records available for public disclosure unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

The Washington Sunset Act requires that the Joint Legislative Audit and Review Committee conduct a program and fiscal review of any entity scheduled for termination under the Sunset Act. The review must be completed and a preliminary report prepared during the calendar year prior to the date established for termination. An entity scheduled for sunset termination must establish performance measures and must be evaluated, in part, in terms of the results.

**Summary of Bill:**

The Public Records Exemptions Accountability Committee (Committee) is created to review all exemptions from public disclosure.

The Committee will consist of 15 members, including:

- a representative appointed by the Governor;

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- a representative appointed by the Attorney General;
- a representative appointed by the State Auditor;
- a representative of local government, to be selected by the Governor;
- a representative of a statewide media association, to be selected by the Attorney General;
- a member of the Senate, to be selected by the Senate majority leader;
- a member of the Senate, to be selected by the Senate minority leader;
- a member of the House of Representatives, to be selected by the Speaker of the House of Representatives;
- a member of the House of Representatives, to be selected by the House of Representatives minority leader;
- four members of the public, to be selected by the previous nine members, with consideration given to diversity of viewpoint and geography;
- a representative appointed by the State Archivist; and
- a representative appointed by the Director of Financial Management.

The terms of the members shall be two years and staggered. The meetings of the Committee must be open to the public and the Committee must consider input from interested parties.

By September 1, 2007, the Code Reviser shall provide the Committee with a list of all exemptions from public disclosure. The Committee will meet to discuss the exemptions and recommend, by January 1, 2008, the repeal or amendment of exemptions to the appropriate committees in the House of Representatives and the Senate.

Beginning in 2008, the Code Reviser shall provide the Committee with a list of exemptions by August 1 of each year. The Committee will meet a minimum of four times each year to discuss the exemptions and make recommendations to the House of Representatives and the Senate by December 1.

The Committee is scheduled to terminate under the Sunset Act on June 30, 2011.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.